

172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JOHNSON  
Serial No.: 10/781,972  
Filed: FEBRUARY 19, 2004  
Confirmation No.: 1050  
Title: GRADING IMPLEMENT

Examiner: UNKNOWN  
Group Art Unit: 3671  
Docket: 14298.1USU1

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 March 21, 2005.

By: 

Name: KATE GANNON

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 3 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

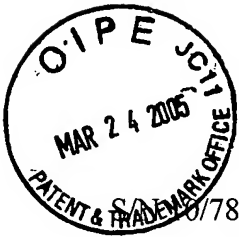
Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

By: 

Name: David G. Schmaltz

Reg. No.: 39,828

DSchmaltz:PLSkaw



10/781,972

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	JOHNSON	Examiner:	UNKNOWN
Serial No.:	10/781,972	Group Art Unit:	3671
Filed:	FEBRUARY 19, 2004	Docket No.:	14298.1USU1
Title:	GRADING IMPLEMENT		

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By: 

Name: KATE CANNON

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

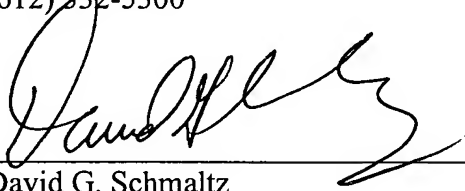
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: 3/21/05

  
\_\_\_\_\_  
David G. Schmaltz  
Reg. No. 39,828  
DGS:PLSkaw

FORM 1449\*

## INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

14298.1USU1

Application Number:

10/781,972

Applicant: JOHNSON

Filing Date: 02/19/2004

Group Art Unit: 3671

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,672,521	06/27/1972	Bauer et al.			
	3,732,996	05/15/1973	Bauer			
	4,936,392	06/26/1990	Kitchin			
	5,127,172	07/07/1992	Lund et al.			
	5,562,397	10/08/1996	Albright			
	5,701,693	12/30/1997	Brocious et al.			
	5,775,438	07/07/1998	Confoey et al.			
	5,974,706	11/02/1999	Kaczmariski et al.			
	5,983,535	11/16/1999	Kaczmariski et al.			
	6,035,562	03/14/2000	Vimig et al.			
	6,238,130 B1	05/29/2001	Youngers			
	6,283,225 B1	09/04/2001	Hermanson			
	6,499,934 B1	12/31/2002	Kaczmariski et al.			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Communication including 3 photos of experimental prototype
	<i>The Contractors Choice</i> , Vol. 1, Issue 8, 36 pages (January 2003)
	Skid Steer Loaders, <a href="http://www.casece.com/products/attachment.asp?RL=NAE&amp;id=24&amp;IndustryID=">http://www.casece.com/products/attachment.asp?RL=NAE&amp;id=24&amp;IndustryID=</a> , 2 pages (2003)

23552

PATENT TRADEMARK OFFICE

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.



S/N 10/781,972

PATENT

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By: 

Name: KATE CANNON

COMMUNICATION REGARDING EXPERIMENTAL USE OF  
EXPERIMENTAL PROTOTYPE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In the summer of 2001, the inventor experimentally used the grading implement depicted in the attached figures on job sites to test the durability of the implement and to also test how efficiently the implement handled different types of materials. The experimental prototype included a downwardly facing channel and an upwardly facing channel welded together. The downwardly facing channel was at the front of the elongated implement and the upwardly facing channel was at the rear of the implement. Relatively small blades were mounted at left and right sides of the implement. Rectangular tubes were welded to the top of the implement for receiving forks of a skid steer loader.

Based on the experimental use, substantial modifications were made to the prototype implement to reach the implement disclosed in the present application. Some of the modifications related to reinforcing structures for preventing structural failures that had occurred on the experimental prototypes. Other modifications were made to improve performance. Example modifications to improve performance include the use of

extended left and right blades (see reference number 38 of the application), the use of a removable rear blade (see reference number 62 of the application), and a completely redesigned interface for allowing a skid steer loader to be coupled to the implement (see adapter 24 and parts 74L, 74R, 72L, and 72R of the application).



Dated: 3/21/05

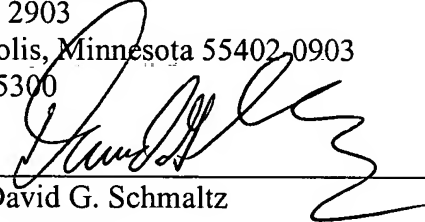
Respectfully submitted,

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DSchmaltz/aml